

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

TOM ARBINO,

Plaintiff

v.

C-1-12-203

STATE OF OHIO,

Defendant

This matter is before the Court upon the Report and Recommendation of the United States Magistrate Judge (doc. no. 4) and plaintiff's' objections thereto (doc. no. 7). The Magistrate Judge concluded that plaintiff has failed to sue any legal entities capable of being sued in a 42 U.S.C. §1983 action. The Magistrate Judge therefore recommended that plaintiff's Complaint (doc. no. 1) be dismissed with prejudice for failure to state a claim upon which relief may be granted.

Plaintiff objects to the Judge's Report and Recommendation on the grounds that his findings are contrary to law.

## CONCLUSION

Upon a *de novo* review of the record, especially in light of plaintiff's objections, the Court finds that plaintiff's objections have either been adequately addressed and properly disposed of by the Magistrate Judge or present no particularized arguments that warrant specific responses by this Court. The Court finds that the Magistrate Judge has accurately set forth the controlling principles of law and properly applied them to the particular facts of this case and agrees with the Magistrate Judge.

Accordingly, the Court hereby **ADOPTS AND INCORPORATES BY REFERENCE** the Report and Recommendation of the United States Magistrate Judge (doc. no. 4). Plaintiff's Complaint (doc. no. 1) is **DISMISSED WITH PREJUDICE**. Plaintiff's Motion to Change Venue (doc. no. 2) is **DENIED AS MOOT**.

The Court CERTIFIES pursuant to 28 U.S.C. § 1915(a) that for the foregoing reasons an appeal of any Order adopting this Report and Recommendation would not be taken in good faith and therefore DENIES plaintiff leave to appeal *in forma pauperis*. Plaintiff remains free to apply to proceed *informa pauperis* in the Court of Appeals. *See Callihan v. Schneider*, 178 F.3d 800, 803 (6th Cir. 1999), overruling in part *Floyd v. United States Postal Serv.*, 105 F.3d 274,277 (6th Cir. 1997).

IT IS SO ORDERED.

s/Herman J. Weber  
Herman J. Weber, Senior Judge  
United States District Court